

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Masaru ODA et al.

Serial No. 10/767,193

Confirmation No. 5035

Filed: January 30, 2004

For: OBJECT TAKING-OUT APPRATUS



Group Art Unit: 3661

Examiner: Wae Lenny LOUIE

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance was forwarded in the Notice of Allowability mailed October 17, 2008.

MPEP §1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

The Examiner characterizes certain features of various claims. The reasons for allowance set forth starting on page 2 of the Notice of Allowability sets forth specific features not found in the prior art. It is submitted that the Examiner's statement is not an accurate quote with respect to independent claim 17. For example, the apparatus of claim 17 does not recite "...orientation changing means provided at said hand, for changing orientation of said holding means to selectively take one of a plurality of orientations including a first orientation and a

second orientation different from each another; and a visual sensor for detecting a condition of placement of an object, wherein said orientation changing means changes the orientation of said holding means according to the detected condition before holding the object." As such, it is submitted that the Examiner's statement is not a suitable reason for allowance. The claim language should be used to determine the reasons for allowance.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

It is further submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is also submitted that the claims provide their own best evidence as to the reasons for allowance.

In summary, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

STAAS & HALSEY LLP

Date: December 1, 2008

By: 

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